

1 H.871

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; school construction; facilities; grant program

5 Statement of purpose of bill as introduced: This bill proposes to:

6 (1) create the Facilities Master Plan Grant Program to support  
7 supervisory unions and independent career and technical education districts to  
8 support the development of a master plan that complies with State construction  
9 aid requirements;

10 (2) require the Agency of Education and Department of Buildings and  
11 General Services to work together to establish a list of prequalified  
12 architecture and engineering consultants; and

13 (3) create the State Aid for School Construction Working Group to  
14 study and design a plan for a statewide school construction aid program.

15 An act relating to the development of an updated State aid to school  
16 construction program

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 16 V.S.A. § 3441 is added to read:

2 § 3441. FACILITIES MASTER PLAN GRANT PROGRAM; REPORT

3 (a) Intent. It is the intent of the General Assembly that the Facilities  
4 Master Plan Grant Program established pursuant to this section shall enable  
5 supervisory unions and independent career and technical education districts to  
6 develop a supervisory union level vision for all school buildings that meets the  
7 educational needs and goals of the supervisory union. The goal of a facilities  
8 master plan shall be to facilitate an evaluation of the capacity of existing  
9 facilities to deliver on identified 21<sup>st</sup> century educational goals. A facilities  
10 master plan shall also enable and require supervisory unions to engage in  
11 intentional and robust conversations with the larger community that will  
12 hopefully lead to the successful passage of bonds needed to support the  
13 renovation or construction needs of the supervisory union. It is the intent of  
14 the General Assembly that awards shall be granted in accordance with this  
15 section and in a manner that allows a maximum number of supervisory unions  
16 and independent career and technical education districts to successfully  
17 complete facilities master plans.

18 (b) Definition. As used in this section, “supervisory union” shall have the  
19 same meaning as in subsection 11(23) of this title and shall include supervisory  
20 districts and independent career and technical education districts.

1       (c) Establishment. There is established the Facilities Master Plan Grant  
2       Program to be administered by the Agency of Education, from funds  
3       appropriated for this purpose, to supervisory unions and independent career  
4       and technical education districts to support the development of educational  
5       facilities master plans. Grant funds may be used to hire a consultant to assist  
6       in the development of the master plan with the goal of developing a final  
7       master plan that complies with State construction aid requirements

8       (d) Standards for the disbursement of funds. The Agency shall develop  
9       standards for the disbursement of grant funds in accordance with the  
10       following:

11       (1) Grants shall be awarded to applicants with the highest facilities  
12       needs. The Agency shall develop a prioritization formula based on an  
13       applicant's poverty factor and average facilities condition index score. The  
14       Agency shall develop or choose a poverty metric to use for the prioritization  
15       formula. The Agency may give priority to applications with a regionalization  
16       focus that consist of more than one supervisory union or independent career  
17       and technical education district that apply as a consortium.

18       (2) Award amounts shall be commensurate with the gross square footage  
19       of buildings located within the applicable supervisory union or career and  
20       technical education district.

1           (3) The Agency shall develop minimum requirements for an educational  
2           facilities master plan, which shall include, at a minimum, the following  
3           elements:

4                   (A) a description of the educational mission, vision, and goals of the  
5           supervisory union;

6                   (B) a description of educational programs and services offered by the  
7           supervisory union;

8                   (C) the performance of a space utilization assessment;

9                   (D) the identification of new program needs;

10                  (E) the development of enrollment projections;

11                  (F) the performance of a facilities assessment; and

12                  (G) information regarding the various design options explored to  
13           address the supervisory union's identified needs.

14           (e) Report. Annually on or before December 31, the Agency shall submit  
15           to the House and Senate Committees on Education a written report with  
16           information on the implementation of the grant program created in this section.

17           Sec. 2. REPEAL; FACILITIES MASTER PLAN GRANT PROGRAM

18           16 V.S.A. § 3441 (Facilities Master Plan Grant Program) as added by this  
19           act is repealed on June 30, 2029.

1       Sec. 3. PREQUALIFIED ARCHITECTURE AND ENGINEERING  
2                   CONSULTANTS

3           On or before October 15, 2024, the Agency of Education shall coordinate  
4 with the Department of Buildings and General Services to develop  
5 prequalification criteria for architecture and engineering firms specializing in  
6 kindergarten through grade 12 school design and construction. The  
7 Department shall assist the Agency in distributing requests for qualifications  
8 and in reviewing the resulting responses for approval and prequalification.  
9 The Department shall maintain the list of prequalified firms and shall make the  
10 list available to school districts and supervisory unions.

11       Sec. 4. STATE AID FOR SCHOOL CONSTRUCTION WORKING GROUP;  
12                   REPORT

13           (a) Creation. There is created the State Aid for School Construction  
14 Working Group to study and design a plan for a statewide school construction  
15 aid program.

16           (b) Membership. The Working Group shall be composed of the following  
17 members:

18                   (1) three current members of the House of Representatives, not all from  
19 the same political party, who shall be appointed by the Speaker of the House;

20                   (2) three current members of the Senate, not all from the same political  
21 party, who shall be appointed by the Committee on Committees; and

1           (3) the Secretary of Education, or designee.

2           (c) Powers and duties.

3           (1) The Working Group shall study and create a recommended plan for  
4           a statewide school construction aid program, including recommendations on  
5           implementation. To facilitate its understanding of school construction projects  
6           and other school construction state aid programs, the Working Group may  
7           travel to conduct site visits at schools or other state programs. In creating its  
8           recommendations, the Working Group shall address the following topics,  
9           building from the recommendations contained in the report of the School  
10          Construction Aid Task Force, created in 2023 Acts and Resolves No. 78, Sec.  
11          E.131.1:

12           (A) Governance. The Working Group shall study other state  
13           governance models for school construction aid programs, including inviting  
14           testimony from school officials from those states, and make a recommendation  
15           for a governance model for Vermont that aligns with the other funding and  
16           programmatic recommendations of the Working Group. Governance  
17           recommendations shall include recommendations on staffing levels and a  
18           stable appropriation for the funding of the recommended governance structure.

19           (B) Prioritization criteria. The Working Group shall make  
20           recommendations on state aid prioritization criteria that will drive funding

1 towards projects that are aligned to the State’s educational policies and  
2 priorities.

3 (C) Eligibility criteria. The Working Group shall consider, at a  
4 minimum, the following state aid eligibility criteria:

5 (i) appropriate maintenance and operations budgeting at the  
6 supervisory union level;

7 (ii) a requirement for eligible supervisory unions to have a five  
8 year capital plan;

9 (iii) a facility condition index maximum level that would preclude  
10 eligibility but may qualify a building for a State share percentage bonus to  
11 replace the building;

12 (iv) a requirement for a supervisory union master planning  
13 process that would require consideration of the adaptive reuse of schools for  
14 housing or other social infrastructure; and

15 (v) a prohibition on exclusionary zoning regulations that would  
16 preclude lesser resourced families from living in the applicable school district.

17 (D) State base share. The Working Group shall make  
18 recommendations as to whether to include a State base share and if so, whether  
19 it shall be based on student or community poverty factors. The Working  
20 Group shall consider factors such as local taxing capacity, student poverty  
21 data, environmental justice metrics, and energy burden metrics.

1           (E) Incentives. The Working Group shall consider the use of  
2           incentives or State share bonuses that align with Vermont’s educational  
3           priorities with the goal of efficient and sustainable use of taxpayer supported  
4           school construction aid to improve student learning environments and  
5           opportunities. The Working Group shall consider appropriate limits on  
6           cumulative incentives and whether incentives shall be bundled for eligibility.

7           Policy areas to consider for incentives include:

- 8                   (i) school safety and security;  
9                   (ii) health;  
10                  (iii) educational enhancements;  
11                  (iv) overcrowding solutions;  
12                  (v) environmental performance;  
13                  (vi) newer and fewer buildings;  
14                  (vii) major renovations to improve PreK–12 systems educational  
15           alignment and capacity;  
16                  (viii) replacement of facilities with a current facility condition  
17           index of 65 percent or higher, in combination with other policy area  
18           incentives; and  
19                  (ix) schools identified with actionable levels of airborne PCBs and  
20           other identified environmental hazards in critical education spaces.

21           (F) Assurance and certification process.



1                   (i) The Working Group shall make recommendations for an  
2 assurance and certification process and shall consider, at a minimum the  
3 following:

4                   (I) a district's commitment to adequate funding for ongoing  
5 maintenance and operations of any State-funded improvements;

6                   (II) a district to assure to adequate training for facilities and  
7 custodial staff to properly operate and maintain systems funded through State  
8 aid;

9                   (III) a district to complete a full commissioning process as a  
10 requirement to receive State funds at the end of the project; and

11                   (IV) a clerk of the works throughout the lifespan of the project.

12                   (ii) The Working Group shall also consider whether the assurance  
13 and certification process shall be eligible for State funding support, as well as  
14 whether a preferred vendor list for the commissioning process and clerk of the  
15 works is advisable.

16                   (G) Environmental hazards and contaminants. The Working Group  
17 shall make recommendations that approach environmental hazards and  
18 contaminants in a comprehensive manner, incorporating existing programs into  
19 the school construction aid program where possible.

20                   (H) Pre-program construction aid. The Working Group shall  
21 consider whether and to what extent State aid should be made available to

1 school districts that begin construction projects prior to the establishment or  
2 renewal of a State school construction aid program.

3 (I) Current law. The Working Group shall review State statutes and  
4 State Board of Education rules that concern or impact school construction and  
5 make recommendations to the General Assembly for any amendments  
6 necessary to align with the Working Group's proposed construction aid  
7 program.

8 (J) Efficiencies. The Working Group shall identify areas where  
9 economizations or efficiencies might be gained in the creation of the program,  
10 including consideration of the following:

11 (i) a prequalification process for consultants with experience in  
12 the planning, renovation, and construction of kindergarten through grade 12  
13 schools; and

14 (ii) cost containment strategies such as the use of building  
15 templates for new construction.

16 (K) Fiscal modeling. The Working Group shall align the proposed  
17 construction aid program with fiscal modeling produced by the Joint Fiscal  
18 Office.

19 (L) School Construction Planning Guide. The Working Group shall  
20 review the Vermont School Construction Planning Guide and make

1 recommendations for any amendments necessary to align with the Working  
2 Group’s proposed construction aid program.

3 (M) Additional considerations. The Working Group may consider  
4 any other topic, factor, or issue that it deems relevant to its work and  
5 recommendations.

*(N) Population considerations. The Working Group shall consider*  
*and make recommendations as to whether, and if so, how, the unique needs of*  
*different populations shall be taken into account in developing a statewide*  
*school construction aid program, including the following populations:*

*(i) elementary students;*

*(ii) high school students;*

*(iii) supervisory unions with low population density, as defined by*  
*16 V.S.A. § 4010(b)(2); and*

*(iv) any other population the Working Group deems relevant to its*  
*work and recommendations.*

6 (2) The Working Group shall consult with the following entities in  
7 developing its proposed plan to ensure all applicable areas of Vermont law and  
8 federal funding opportunities are taken into consideration:

9 (A) the Agency of Education;

10 (B) the Agency of Natural Resources;

11 (C) the Department of Public Safety, Division of Fire Safety;

1           (D) the Natural Resources Board;

2           (E) the Agency of Commerce and Community Development,

3           Division for Historic Preservation;

4           (F) the U.S. Department of Education;

5           (G) U.S. Department of Agriculture, Rural Development;

6           (H) the Vermont School Boards Association;

7           (I) the Vermont Superintendents Association; and

8           (J) any other entity the Working Group deems relevant to its work.

9           (d) Assistance. The Working Group shall have the administrative,  
10           technical, and legal assistance of the Agency of Education, the Office of  
11           Legislative Counsel, the Joint Fiscal Office, and the Office of Legislative  
12           Operations.

13           (e) Proposed legislation. On or before December 15, 2024, the Working  
14           Group shall submit its findings and recommendations in the form of proposed  
15           legislation to the General Assembly.

16           (f) Meetings.

17           (1) The Office of Legislative Counsel shall call the first meeting of the  
18           Working Group to occur on or before August 1, 2024.

19           (2) The Working Group shall select co-chairs from among its members  
20           at the first meeting, one a member of the House and the other a member from  
21           the Senate.

1           (3) A majority of the membership shall constitute a quorum.

2           (4) The Working Group shall cease to exist on December 31, 2024.

3           (g) Compensation and reimbursement. For attendance at meetings during  
4 adjournment of the General Assembly, members of the Study Committee shall  
5 be entitled to per diem compensation and reimbursement of expenses pursuant  
6 to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be  
7 made from monies appropriated to the General Assembly.

8           Sec. 5. APPROPRIATION; STATE AID FOR SCHOOL CONSTRUCTION

9                           WORKING GROUP

The sum of \$15,000.00 is appropriated from the General Fund to the  
General Assembly in fiscal year 2025 for the purpose of funding travel by the  
State Aid for School Construction Working Group pursuant to Sec. 4,  
subsection (c) of this act *and per diem compensation and reimbursement of*  
*expenses pursuant to Sec. 4, subsection (g) of this act.*

10           Sec. 6. EFFECTIVE DATE

11           This act shall take effect on July 1, 2024.